

STATEMENT PURSUANT TO LOCAL RULE 7.1.1

I, James D. Heisman, Esq., an attorney for Plaintiff, hereby state that the parties attempted to reach an agreement on the matters set forth in Plaintiff TRUEPOSITION'S MOTION TO STRIKE ANDREW'S POST-TRIAL EVIDENCE AND ALL AGUMENTS BASED ON SUCH EVIDENCE IN ANDREW'S POST-TRIAL BRIEFS IN SUPPORT OF ITS REMAINING EQUITABLE DEFENSES, but no agreement was reached as evidenced by the Brief in Support of the Motion thereto.

Date: December 21, 2007

/s/ James D. Heisman
James D. Heisman (#2746)